



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/931,841	08/16/2001	Paul Nadj	SIA-P033	4552

7590 07/26/2004

Fernandez & Associates, LLP  
PO Box D  
Menlo Park, CA 94026-6402

EXAMINER
----------

FILIPCZYK, MARCIN R

ART UNIT	PAPER NUMBER
----------	--------------

2171

DATE MAILED: 07/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

### **DETAILED ACTION**

This Action is responsive to an Office Action mailed by the Applicant on August 16, 2001 wherein claims 1-27 are presented for an examination.

#### ***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-3 are drawn to a scheduling event queues data structure, classified in class 707, subclass 103R.
  - II. Claim 4 is drawn to scheduling and arbitration data structure, classified in class 707, subclass 103R.
  - III. Claims 5-10 are drawn to priority scheduling in a pile data structure, classified in class 707, subclass 103R.
  - IV. Claims 11-17 are drawn to distributed access, classified in class 707, subclass 10.
  - V. Claim 18 is drawn to traffic shaping in a pile structure, classified in class 707, subclass 103X.
  - VI. Claims 19-21 are drawn to scheduling priority of a heap-like data structure, classified in class 707, subclass 103R.
  - VII. Claims 22 and 23 are drawn to inserting event queue, classified in class 707, subclass 101.
  - VIII. Claim 24 is drawn to removing event queue, classified in class 707, subclass 101.
  - IX. Claim 25 is drawn to rescheduling an event, classified in class 707, subclass 101.

Art Unit: 2171

- X. Claim 26 is drawn to manipulating a pipeline data structure, classified in class 707, subclass 101.
- XI. Claim 27 is drawn to a multiple pile data structure, classified in class 707, subclass 103R.

2. Inventions I - XI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable.

In the instant case inventions I - III, VI and XI each have separate utility such as any data structure in a database system. Invention IV has separate utility such as allocating and distributing data systems. Invention V has separate utility such as database structure networks. Inventions VII - X have separate utility such as modifying data structures.

Note, only one Invention may be elected for examination.

3. Because these inventions are distinct and search Groups I - XI are not required to be simultaneous, restriction for examination purposes as indicated is proper.

4. A telephone call was made to Dennis S Fernandez on July 20, 2004 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the

Art Unit: 2171

currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc R Filipczyk whose telephone number is 703-305-7156. The examiner can normally be reached on Mon-Fri, 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

MF  
July 22, 2004

  
**UYEN LE**  
**PRIMARY EXAMINER**